

ACCO,(AGRx),CLOSED,DISCOVERY,MJDAP_OUT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:18-cv-01738-JAK-AGR

E. Randolph Schoenberg v. Federal Bureau of Investigation
Assigned to: Judge John A. Kronstadt
Referred to: Magistrate Judge Alicia G. Rosenberg
Cause: 05:552 Freedom of Information Act

Date Filed: 03/01/2018
Date Terminated: 05/28/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**E. Randolph Schoenberg**

represented by **David E Rosen**
Murphy Rosen LLP
100 Wilshire Boulevard Suite 1300
Santa Monica, CA 90401
310-899-3300
Fax: 310-399-7201
Email: drosen@murphyrosen.com
ATTORNEY TO BE NOTICED

Jodi M Newberry
Murphy Rosen LLP
100 Wilshire Boulevard Suite 1300
Santa Monica, CA 90401-1142
310-899-3300
Fax: 310-399-7201
Email: jnewberry@murphyrosen.com
ATTORNEY TO BE NOTICED

Paul D Murphy
Murphy Rosen LLP
100 Wilshire Boulevard Suite 1300
Santa Monica, CA 90401-1142
310-899-3300
Fax: 310-399-7201
Email: pmurphy@murphyrosen.com
ATTORNEY TO BE NOTICED

V.

Defendant**Federal Bureau of Investigation**

represented by **Stuart Justin Robinson**
US Department of Justice
Civil Division – Federal Programs Branch
450 Golden Gate Avenue Suite 7-5395
San Francisco, CA 94102
415-436-6635
Fax: 415-436-6632
Email: stuart.j.robinson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennie L Kneedler
US Department of Justice
Civil Division – Federal Programs Branch
20 Massachusetts Avenue NW Room 7308
Washington, DC 20530
202-305-8662
Fax: 202-616-8470
Email: jennie.l.kneedler@usdoj.gov

TERMINATED: 09/06/2018

Date Filed	#	Docket Text
03/01/2018	<u>1</u>	COMPLAINT Receipt No: 0973-21337951 – Fee: \$400, filed by plaintiff E. Randol Schoenberg. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8 (pt.1), # <u>9</u> Exhibit 8 (pt. 2)) (Attorney Paul D Murphy added to party E. Randol Schoenberg(pty:pla))(Murphy, Paul) (Entered: 03/01/2018)
03/01/2018	<u>2</u>	CIVIL COVER SHEET filed by Plaintiff E. Randol Schoenberg. (Murphy, Paul) (Entered: 03/01/2018)
03/01/2018	<u>3</u>	NOTICE of Interested Parties filed by Plaintiff E. Randol Schoenberg, (Murphy, Paul) (Entered: 03/01/2018)
03/02/2018	<u>4</u>	NOTICE TO COUNSEL re Magistrate Judge Direct Assignment Program. This case has been randomly assigned to Magistrate Judge Michael R. Wilner. (Attachments: # <u>1</u> CV-11C) (esa) (Entered: 03/02/2018)
03/05/2018	<u>5</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening), <u>1</u> filed by Plaintiff E. Randol Schoenberg. (Murphy, Paul) (Entered: 03/05/2018)
03/06/2018	<u>6</u>	60 DAY Summons Issued as to defendant Federal Bureau of Investigation. re Complaint (Attorney Civil Case Opening), <u>1</u> (vm) (Entered: 03/06/2018)
03/06/2018	<u>7</u>	AMENDED 30 DAY Summons Issued as to defendant Federal Bureau of Investigation. re Complaint (Attorney Civil Case Opening), <u>1</u> (vm) (Entered: 03/06/2018)
03/19/2018	<u>8</u>	PROOF OF SERVICE Executed E. Randol Schoenberg, upon Defendant Federal Bureau of Investigation served on 3/12/2018, answer due 4/11/2018. Service of the Summons and Complaint were executed upon the United States Attorneys Office by delivering a copy to Civil Process Clerk, accepted by Mailroom (F. Dela Rosa). Executed upon the Attorney Generals Office of the United States by delivering a copy to (unknown). Executed upon the officer agency or corporation by delivering a copy to Federal Bureau of Investigations. Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt attached. Original Summons NOT returned. (Attachments: # <u>1</u> Exhibit 1)(Murphy, Paul) (Entered: 03/19/2018)
03/19/2018	<u>9</u>	CERTIFICATE OF SERVICE filed by Plaintiff E. Randol Schoenberg, re Notice to Counsel (CV-20a) Magistrate Judge Direct Assignment Program – optional html form <u>4</u> served on March 14, 2018. (Attachments: # <u>1</u> Exhibit 1)(Murphy, Paul) (Entered: 03/19/2018)
03/21/2018	<u>10</u>	REMINDER NOTICE re Magistrate Judge Direct Assignment Program. Each party must file form CV-11C within the consent deadlines pursuant to L.R. 73-2. Additionally, the parties are directed to L.R. 73-2.2 Proof of Service. In any case in which only a magistrate judge is initially assigned, plaintiff must file a proof of service within 10 days of service of the summons and complaint as to each defendant. (vm) (Entered: 03/21/2018)
03/22/2018	<u>11</u>	STATEMENT OF CONSENT TO PROCEED before the assigned Magistrate Judge (Murphy, Paul) (Entered: 03/22/2018)
04/04/2018	<u>12</u>	STIPULATION Extending Time to Answer the complaint as to Federal Bureau of Investigation answer now due 4/16/2018, re Complaint (Attorney Civil Case Opening), <u>1</u> filed by Defendant Federal Bureau of Investigation.(Attorney Jennie L Kneedler added to party Federal Bureau of Investigation(pty:dft))(Kneedler, Jennie) (Entered: 04/04/2018)
04/16/2018	<u>13</u>	ANSWER to Complaint (Attorney Civil Case Opening), <u>1</u> filed by Defendant Federal Bureau of Investigation.(Kneedler, Jennie) (Entered: 04/16/2018)
04/27/2018	<u>14</u>	NOTICE OF REASSIGNMENT of MJDAP case from Magistrate Judge Michael R. Wilner to Judge Christina A. Snyder for all further proceedings. Any discovery matters that may be referred to a Magistrate Judge are assigned to U.S. Magistrate Judge

		Alicia G. Rosenberg. The case number will now reflect the initials of the transferee Judges 2:18-cv-01738 CAS(AGRx). (rn) (Entered: 04/27/2018)
05/10/2018	<u>15</u>	ORDER RETURNING CASE FOR REASSIGNMENT by Judge Christina A. Snyder. ORDER case returned to the Clerk for random reassignment pursuant to General Order 16-05. Case randomly reassigned from Judge Christina A. Snyder to Judge John A. Kronstadt for all further proceedings. The case number will now reflect the initials of the transferee Judge 2:18-cv-01738 JAK(AGRx). (rn) (Entered: 05/10/2018)
05/11/2018	<u>16</u>	(IN CHAMBERS) ORDER REGARDING TRANSFER OF CASE TO JUDGE JOHN A. KRONSTADT by Judge John A. Kronstadt: This action has been reassigned to the Honorable John A. Kronstadt, United States District Judge. The case number will now read: LA CV18-01738 JAK (AGRx). Because all pleadings are routed using the judge's initials, please be sure to use the initials JAK in place of the initials CAS on all future filings. Judge Kronstadt's Courtroom Deputy Clerk, Andrea Keifer, can be reached at 213.894.2156. <u>15</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ake) TEXT ONLY ENTRY (Entered: 05/11/2018)
05/11/2018	<u>17</u>	STANDING ORDERS FOR CIVIL CASE by Judge John A. Kronstadt. (lom) (Entered: 05/14/2018)
05/11/2018	<u>18</u>	ORDER SETTING RULE 16(b)/26(f) SCHEDULING CONFERENCE by Judge John A. Kronstadt Report due by 6/29/2018., Scheduling Conference set for 7/9/2018 at 01:30 PM. (SEE ORDER FOR SPECIFICS) (bp) (Entered: 05/14/2018)
06/29/2018	<u>19</u>	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 3 days, filed by Plaintiff E. Randol Schoenberg.. (Murphy, Paul) (Entered: 06/29/2018)
07/02/2018	<u>20</u>	(IN CHAMBERS) ORDER DIRECTING COUNSEL TO FILE AMENDED JOINT RULE 16(b) REPORT by Judge John A. Kronstadt: The Court has received the parties' Rule 16(b)/26(f) report (Dkt. <u>19</u>). However, pursuant to this Court's Standing Order ("S.O."), the Schedule of Pretrial and Trial Dates ("Schedule") was to have been completed and attached to the joint report. See S.O. at 46. Counsel shall file an amended joint report no later than 4:00 p.m. on July 3, 2018, to include the completed Schedule. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (jaklc3,) TEXT ONLY ENTRY (Entered: 07/02/2018)
07/03/2018	<u>21</u>	JOINT REPORT Rule 26(f) Discovery Plan (AMENDED) ; estimated length of trial 3 days, filed by Plaintiff E. Randol Schoenberg.. (Attachments: # <u>1</u> Exhibit A - Schedule of Pretrial and Trial Dates)(Murphy, Paul) (Entered: 07/03/2018)
07/05/2018	<u>22</u>	Notice of Appearance or Withdrawal of Counsel: for attorney David E Rosen counsel for Plaintiff E. Randol Schoenberg. Adding David E. Rosen as counsel of record for Plaintiff E. Randol Schoenberg for the reason indicated in the G-123 Notice. Filed by Plaintiff E. Randol Schoenberg. (Attorney David E Rosen added to party E. Randol Schoenberg(pty:pla))(Rosen, David) (Entered: 07/05/2018)
07/09/2018	<u>23</u>	SCHEDULING CONFERENCE held before Judge John A. Kronstadt. The scheduling conference is held. The Court confers with counsel regarding the status of the case. The Court has reviewed the parties' July 3, 2018 Joint Report and sets the following deadlines: Deadline for Defendant to file motion for summary judgment 8/13/18, Deadline for Plaintiff to file motion for summary judgment and opposition to Defendant's motion for summary judgment 9/6/18, Deadline for Defendant's opposition to Plaintiff's motion for summary judgment and Defendant's reply to Defendant's motion for summary judgment 9/24/18, Deadline for Plaintiff's reply to Plaintiff's motion for summary judgment 10/3/18, Hearing on motions for summary judgment 10/22/18 at 8:30 a.m. Court Reporter: Alex Joko. (bp) (Entered: 07/10/2018)
08/13/2018	<u>24</u>	NOTICE OF MOTION AND MOTION for Summary Judgment filed by Defendant Federal Bureau of Investigation. Motion set for hearing on 10/22/2018 at 08:30 AM before Judge John A. Kronstadt. (Attachments: # <u>1</u> Declaration of David M. Hardy and Exhibits A-L, # <u>2</u> Declaration of Jennie L. Kneedler and Exhibits 1-4) (Kneedler, Jennie) (Entered: 08/13/2018)
08/13/2018	<u>25</u>	STATEMENT of Uncontroverted Facts and Conclusions of Law NOTICE OF MOTION AND MOTION for Summary Judgment <u>24</u> filed by Defendant Federal Bureau of Investigation. (Kneedler, Jennie) (Entered: 08/13/2018)

08/15/2018	<u>26</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Statement (Motion related) <u>25</u> . The following error(s) was/were found: Statements of Uncontroverted Facts are to be lodged.. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (bp) (Entered: 08/15/2018)
08/16/2018	<u>27</u>	RESPONSE BY THE COURT TO NOTICE TO FILER OF DEFICIENCIES IN ELECTRONICALLY FILED DOCUMENTS RE: Statement (Motion related) <u>25</u> by Judge John A. Kronstadt. The document is filed rather than lodged. The Court will deem the Statement as lodged. Counsel shall adhere to the Local Rules with respect to any future document that is required to be lodged rather than filed. See L.R. 56. a Failure to do so will result in the document being stricken.. (bp) (Entered: 08/20/2018)
09/06/2018	<u>28</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION for Summary Judgment <u>24</u> filed by Plaintiff E. Randol Schoenberg. (Attachments: # <u>1</u> Evidentiary Objections, # <u>2</u> Plaintiffs Response to Statement of Uncontroverted Facts and Conclusions of Law, # <u>3</u> Declaration of E. Randol Schoenberg, # <u>4</u> Exhibit A (part 1) to Declaration of E. Randol Schoenberg, # <u>5</u> Exhibit A (part 2) to Declaration of E. Randol Schoenberg, # <u>6</u> Exhibit B through F to Declaration of E. Randol Schoenberg, # <u>7</u> Exhibit G through O to Declaration of E. Randol Schoenberg)(Newberry, Jodi) (Entered: 09/06/2018)
09/06/2018	<u>29</u>	NOTICE of Appearance filed by attorney Stuart Justin Robinson on behalf of Defendant Federal Bureau of Investigation (Attorney Stuart Justin Robinson added to party Federal Bureau of Investigation(pty:dft))(Robinson, Stuart) (Entered: 09/06/2018)
09/07/2018	<u>30</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Jennie L Kneedler counsel for Defendant Federal Bureau of Investigation. Jennie L. Kneedler is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by Defendant Federal Bureau of Investigation. (Kneedler, Jennie) (Entered: 09/07/2018)
09/24/2018	<u>31</u>	REPLY in support of NOTICE OF MOTION AND MOTION for Summary Judgment <u>24</u> filed by Defendant Federal Bureau of Investigation. (Robinson, Stuart) (Entered: 09/24/2018)
09/24/2018	<u>32</u>	RESPONSE filed by Defendant Federal Bureau of Investigation <i>TO PLAINTIFF'S STATEMENT OF UNDISPUTED MATERIAL FACTS</i> (Robinson, Stuart) (Entered: 09/24/2018)
09/26/2018	<u>33</u>	NOTICE OF LODGING filed re MEMORANDUM in Opposition to Motion., <u>28</u> (Attachments: # <u>1</u> Exhibit Slip Opinion)(Newberry, Jodi) (Entered: 09/26/2018)
10/10/2018	<u>34</u>	(IN CHAMBERS) ORDER RE PLAINTIFF'S FAILURE TO ADHERE TO COURT'S STANDING ORDER RE THE PREPARATION OF EVIDENTIARY OBJECTIONS (DKT. <u>28</u> -1) by Judge John A. Kronstadt: The Court has received Plaintiff's Evidentiary Objections ("Objections"), which do not comply with the Court's Initial Standing Order with respect to how such objections shall be prepared. S.O., p. 16 (iii)(d). Pursuant to L.R. 52-4.1, a proposed order shall be e-filed as a separate attachment to any document seeking Court approval and/or a ruling. Counsel shall file a "Notice of Lodging of Proposed Order Re Plaintiff's Evidentiary Objections" with the proposed order e-filed as an attachment to the notice by October 15, 2018. Additionally, the proposed order shall be uploaded in Word through the Court's CM/ECF system pursuant to the CM/ECF Procedures and Local Rules. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (jaklc4,) TEXT ONLY ENTRY (Entered: 10/10/2018)
10/15/2018	<u>35</u>	NOTICE OF LODGING filed <i>NOTICE OF LODGING OF PROPOSED ORDER ON PLAINTIFF E. RANDOL SCHOENBERG'S EVIDENTIARY OBJECTIONS MADE IN CONNECTION WITH DEFENDANTS MOTION FOR SUMMARY JUDGMENT</i> re Text Only Scheduling Notice,,, <u>34</u> , MEMORANDUM in Opposition to Motion., <u>28</u> (Attachments: # <u>1</u> Proposed Order)(Murphy, Paul) (Entered: 10/15/2018)

10/22/2018	<u>37</u>	MINUTES OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT <u>24</u> Hearing held before Judge John A. Kronstadt. The motion hearing is held. The Court states its tentative views that it is inclined to grant Defendant's Motion for Summary Judgment (the Motion). Counsel address the Court. The Court takes the Motion UNDER SUBMISSION and a ruling will be issued. IT IS SO ORDERED. Court Reporter: Alex Joko. (lom) (Entered: 10/23/2018)
10/23/2018	<u>36</u>	TRANSCRIPT ORDER as to Plaintiff E. Randol Schoenberg for Court Reporter. Court will contact Sarah Deiches at sdeiches@murphyrosen.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Newberry, Jodi) (Entered: 10/23/2018)
11/23/2018	<u>38</u>	TRANSCRIPT for proceedings held on 10/22/18, 8:30 AM. Court Reporter/Electronic Court Recorder: Alex Joko, phone number aj_csr@yahoo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 12/14/2018. Redacted Transcript Deadline set for 12/24/2018. Release of Transcript Restriction set for 2/21/2019. (Joko, Alexander) (Entered: 11/23/2018)
11/23/2018	<u>39</u>	NOTICE OF FILING TRANSCRIPT filed for proceedings 10/22/18, 8:30 AM re Transcript <u>38</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Joko, Alexander) TEXT ONLY ENTRY (Entered: 11/23/2018)
12/11/2018	<u>40</u>	SUPPLEMENT <i>PLAINTIFFS SUBMISSION OF NEW EVIDENCE IN FURTHER SUPPORT OF OPPOSITION TO SUMMARY JUDGMENT MOTION</i> filed by Plaintiff E. Randol Schoenberg. (Newberry, Jodi) (Entered: 12/11/2018)
04/02/2019	<u>41</u>	(IN CHAMBERS) ORDER RE NOTICE OF AMENDED STANDING ORDER by Judge John A. Kronstadt: Counsel are advised that on March 25, 2019, the Court amended its Consolidated Standing Order. Counsel shall refer to this Court's Procedures and Schedules found on the website for the United States District Court (http://www.cacd.uscourts.gov/honorable-john-kronstadt) to obtain a copy of the Order. The March 25, 2019 version of the Consolidated Standing Order is effective in this action immediately. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (rrey) TEXT ONLY ENTRY (Entered: 04/02/2019)
04/29/2019	<u>42</u>	ORDER RE PLAINTIFF E. RANDOL SCHOENBERGS EVIDENTIARY OBJECTIONS MADE IN CONNECTION WITH DEFENDANTS MOTION FOR SUMMARY JUDGMENT (Dkt. [28-1]) by Judge John A. Kronstadt. IT IS HEREBY ORDERED that Plaintiffs evidentiary objections are sustained or overruled, as indicated in the Ruling column below: SEE DOCUMENT FOR FURTHER INFORMATION. (twdb) (Entered: 04/29/2019)
04/29/2019	<u>43</u>	(IN CHAMBERS) ORDER RE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (DKT. <u>24</u>) by Judge John A. Kronstadt: For the reasons stated in this Order, the Motion is GRANTED. Not later than May 9, 2019, after meeting and conferring with Plaintiffs counsel in an effort to reach agreement as to the form of a proposed judgment, Defendant shall lodge a proposed judgment and state whether Plaintiff has agreed to its form. If the parties have not agreed to the form of the judgment, within seven days after the proposed judgment is lodged by Defendant, Plaintiff shall timely file any objection(s) in accordance with the Local Rules (ake) (Entered: 04/29/2019)
05/09/2019	<u>44</u>	NOTICE OF LODGING filed <i>Proposed Judgment</i> re Order on Motion for Summary Judgment, <u>43</u> (Attachments: # <u>1</u> Proposed Judgment)(Robinson, Stuart) (Entered: 05/09/2019)
05/28/2019	<u>45</u>	JUDGMENT by Judge John A. Kronstadt. The Court hereby ENTERS JUDGMENT in favor of Defendant, and against Plaintiff. Related to: Order on Motion for Summary Judgment, <u>43</u> . (MD JS-6, Case Terminated). (shb) (Entered: 05/29/2019)